

EXHIBIT 38

GK

From: Kassner, Gillian (USANYE) Gillian.Kassner@usdoj.gov
Subject: Re: [EXTERNAL] Production regarding Subpoena Request #9
Date: August 28, 2023 at 5:07 PM
To: Paul Pelletier pepelletier3@gmail.com, Siegel, Jonathan (USANYE) Jonathan.Siegel@usdoj.gov, Elbert, Lauren (USANYE) Lauren.Elbert@usdoj.gov, November, Anna (USANYE) [Contractor] Anna.November@usdoj.gov

Thank you, Paul. We will work to get you access to the materials.

Gillian Kassner
Assistant United States Attorney
United States Attorney's Office
Eastern District of New York

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From: Paul Pelletier <pepelletier3@gmail.com>
Sent: Monday, August 28, 2023 7:48 PM
To: Kassner, Gillian (USANYE) <GKassner@usa.doj.gov>; Siegel, Jonathan (USANYE) <JSiegel@usa.doj.gov>; Elbert, Lauren (USANYE) <LElbert@usa.doj.gov>; November, Anna (USANYE) [Contractor] <ANovember@usa.doj.gov>
Subject: [EXTERNAL] Production regarding Subpoena Request #9

Gillian,

As promised, we have FedEx'ed you our production in response to request 9 of the February 21, 2023 subpoena to OneTaste.

The tracking number is 783045926532 and it should arrive to your office tomorrow morning.

Three files were too large so we will be sending them tomorrow.

Please note, we have already voluntarily produced the following sales team records:
-Emails of incoming leads (September 19, 2022)
-Sales tracker data (September 19, 2022)
-OneTaste's entire Salesforce database (September 19, 2022)
-OneTaste sales teams's slack thread (July 22, 2023)

Please also note that with respect to the privileged materials that you sent last week, I cannot access them and sent an email to Ms. November regarding same. I have not yet heard back from her. Thanks again.

PEP